

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

477A0697

SENATE BILL NO. 211

Introduced by: Senators Drake, Benson, and Thompson and Representatives Duenwald, Brown
(Jarvis), and Monroe

1 FOR AN ACT ENTITLED, An Act to assure payment of health benefits for injuries sustained
2 by an insured person operating a motor vehicle under the influence of alcohol or drugs.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That chapter 58-17 be amended by adding thereto a NEW SECTION to read as
5 follows:

6 A policy of health insurance for an individual that is delivered, issued for delivery, or renewed
7 in this state may not exclude the payment of benefits for injuries sustained by an insured person
8 because the insured was under the influence of alcohol or drugs, as defined by § 32-23-1, while
9 operating a motor vehicle.

10 Section 2. That chapter 58-18 be amended by adding thereto a NEW SECTION to read as
11 follows:

12 A group health insurance policy that is delivered, issued for delivery, or renewed in this state
13 may not exclude the payment of benefits for injuries sustained by an insured person because the
14 insured was under the influence of alcohol or drugs, as defined by § 32-23-1, while operating a
15 motor vehicle.

1 Section 3. That chapter 58-18B be amended by adding thereto a NEW SECTION to read
2 as follows:

3 A health benefit plan of a small employer carrier that is delivered, issued for delivery, or
4 renewed in this state may not exclude the payment of benefits for injuries sustained by an insured
5 person because the insured was under the influence of alcohol or drugs, as defined by § 32-23-1,
6 while operating a motor vehicle.

7 Section 4. That chapter 58-38 be amended by adding thereto a NEW SECTION to read as
8 follows:

9 A service or indemnity-type contract issued by a nonprofit medical or surgical service plan
10 corporation that is delivered, issued for delivery, or renewed in this state may not exclude the
11 payment of benefits for injuries sustained by an insured person because the insured was under
12 the influence of alcohol or drugs, as defined by § 32-23-1, while operating a motor vehicle.

13 Section 5. That chapter 58-40 be amended by adding thereto a NEW SECTION to read as
14 follows:

15 A service or indemnity-type contract issued by a nonprofit hospital service plan or
16 organization that is delivered, issued for delivery, or renewed in this state may not exclude the
17 payment of benefits for injuries sustained by an insured person because the insured was under
18 the influence of alcohol or drugs, as defined by § 32-23-1, while operating a motor vehicle.

19 Section 6. That chapter 58-41 be amended by adding thereto a NEW SECTION to read as
20 follows:

21 A health maintenance contract that is delivered, issued for delivery, or renewed in this state
22 may not exclude the payment of benefits for injuries sustained by an insured person because the
23 insured was under the influence of alcohol or drugs, as defined by § 32-23-1, while operating a
24 motor vehicle.